CLEARFIELD CITY COUNCIL MEETING MINUTES 6:00 P.M. WORK SESSION October 18, 2016

PRESIDING: Mark Shepherd Mayor

PRESENT: Kent Bush Councilmember

Nike Peterson Councilmember Vern Phipps Councilmember Bruce Young Councilmember

EXCUSED: Keri Benson Councilmember

STAFF PRESENT: JJ Allen Assistant City Manager

Stuart Williams City Attorney

Mike Stenquist Assistant Police Chief

Eric Howes Community Services Director

Scott Hodge Public Works Director

Spencer Brimley Development Services Manager Summer Palmer Administrative Services Director

Rich Knapp Finance Manager Nancy Dean City Recorder

Kim Read Deputy City Recorder

VISITORS: Julia Collins – Wasatch Front Regional Council (WFRC)

TOUR OF WASATCH INTEGRATED ENERGY RECOVERY FACILITY

The Council participated in a tour of mixed waste processing, a component of Wasatch Integrated Energy Recovery Facility.

Mayor Shepherd called the meeting to order at 7:00 p.m.

DISCUSSION ON THE DOWNTOWN CLEARFIELD SMALL AREA PLAN

Spencer Brimley, Development Services Manager, introduced Julia Collins, Wasatch Front Regional Council (WFRC), to the Council. He shared a visual presentation reviewing the process specific to the development of the Downtown Clearfield Small Area Plan and announced the item would be on the Council's agenda for a public hearing and consideration of approval during its meeting on Tuesday, October 25, 2016.

Ms. Collins reviewed the timeline of efforts associated with creating the Downtown Clearfield Small Area Plan and emphasized the downtown of a city was the heart of the city which served the following key purposes:

- An economic driver for the city overall
- The center of activity, jobs and commerce

- A walkable and distinct part of the city
- A destination place of civic pride.

She explained a comprehensive public process had taken place including stakeholders which allowed input and ownership of the Plan. She reported a market study had been completed by Zions Bank Public Finance to determine what was feasible which identified the following suggestions:

- Not focusing on the entire corridor
- Focusing on key strategic nodes for retail as opposed to the entire downtown corridor.

She shared an illustration of the Plan map which identified distinct downtown "place types" which outlined the vision specific to each one. She reviewed the guidelines for implementing the vision specific to transportation elements and strategies.

Councilmember Young inquired what street improvements had been suggested by UDOT (Utah Department of Transportation). Ms. Collins referred to Phase Two of Wasatch Front Regional Council's (WFRC's) Regional Transportation Plan which spoke to boulevard improvements and indicated the treatments were not yet specified and requested those be identified during that process. She concluded that process was in process and stated the following concepts had been included for consideration:

- Establishment of bike lanes
- Bus lanes
- Sidewalk.

Spencer Brimley stated UDOT had originally been engaged regarding impacts to its road and reported the City had solicited its input specific to the draft Plan and had not received any comments. He directed the Council to page 14 of the draft Plan and reviewed the impacts and opportunities for what could potentially happen in each area.

JJ Allen, Assistant City Manager, pointed out the cross section of the right-of-way would enhance future development and shared some examples identified in the proposal. Mr. Brimley added the illustrated cross sections needed to be consistent with proposed developments of each separate sector. Councilmember Bush mentioned the beautification committee had made suggestions and inquired if those suggestions had been included in the Plan. Mr. Brimley responded staff had developed the analysis based more on what the current public input was regarding potential development. Mr. Allen asked Councilmember Bush if he was looking for something specific which hadn't been included. Councilmember Bush responded he remembered landscaping along State Street which incorporated trees and flowers to enhance frontage. Ms. Collins referred to page 10 which addressed the landscaping elements She explained the Plan addressed landscaping by discouraging passive, open space and encouraging more active, usable spaces such as pocket parks, plazas, urban gardens, dining and patio spaces.

Mr. Brimley reported the Planning Commission recommended approval of the draft Plan to the Council for future implementation into the General Plan. He stated the Plan was part of a two phased approach and explained when the City applied for the grant WFRC suggested it first draft the small area plan and then consider adoption of a form based code. He continued staff was

currently requesting assistance from WFRC for funding the development of a form based code in conjunction with the Plan. Mr. Brimley explained the City currently applied zoning by use. He continued a form based code was specific to function, design and form rather than the "use" on the property and explained the essence was to consider the built environment and how it interacted and interfaced through a design aspect. Ms. Collins directed the Council to page 10 which identified the Place Type Design Variations and explained the design, look and feel of the buildings was more important than use because it supported "places" and focused on the design of a place. She added on page 17 the first recommendation and goal was to modernize the downtown zoning.

Councilmember Peterson mentioned the proposed Clearfield Station development was a hybrid of zoning that rolled out through the Master Development Plan. She asked if the idea was to go with a form based code, would it be an overlay zone or what would be the approach. She also asked if it would be a stand alone section that would govern the small area plans. Mr. Allen responded that development had been proposed under the City's current zoning ordinance located in Title 11 and stated he wasn't sure how applying form based code to that development would be implemented yet. Mr. Brimley responded there were options to the City and added the form based code could be a hybrid, stand alone or overlay, and suggested that decision would need to be made by the Council. He believed staff could explore and evaluate the option in order to determine what would be recommended to the Council.

Mr. Allen reiterated the Planning Commission had recommended approval and staff's intention was for the Plan to become an exhibit to the General Plan. He added staff was in the process of completing a General Plan update. He also stated the Downtown Clearfield Small Area Plan would be considered for adoption by resolution during the Council meeting scheduled for Tuesday, October 25, 2016 which would identify it as "policy" specific to the corridor. He continued it wouldn't be incorporated into the General Plan until the General Plan was updated. Councilmember Phipps clarified the Plan would be considered a visioning document. Mr. Brimley reviewed the current development which was currently taking place along the downtown corridor which he believed would act as a catalyst to future development and reviewed the proposed timeline for implementation. Ms. Collins added funding wouldn't become available until the spring of 2017. Mr. Allen emphasized there would be public hearings associated with adoption.

Councilmember Phipps asked how mature form based code was relative to its use by municipalities. Mr. Brimley responded it hadn't fully been accepted. He continued South Salt Lake had adopted form based code in part for its city and Farmington Station was developed using a hybridized form based code. He stated there was not a lot of history to draw from and suggested the Council consider it a resource or tool to assist the City in accomplishing downtown development. Ms. Collins added she had been involved in South Salt Lake City's implementation and reported developers liked the predictability of the form based code and shared specific examples.

Councilmember Bush believed a form based code was good for design purposes and expressed concern about the separation of uses. He stated he would like to see a hybrid to ensure the City

got what it wanted in the form of development. Ms. Collins responded a balance would be necessary to ensure acceptability. She directed the Council to Page 7 which included a use table. Mr. Brimley added the City would need to define uses to guide the development and suggested the Council consider form and function to determine what would be appropriate.

Mr. Brimley directed the Council to the Place Types Use Table on page 7 which defined "use" and concurred with Ms. Collins and suggested further discussions on the matter would need to take place regarding appropriate uses. Ms. Collins reported one of the items which was consistently considered in the Plan was the change in retail demand and how to incentivize the commercial and retail component. She continued cities would need to evolve with the changing demand brought on by the convenience of internet shopping. She cautioned the Council about restricting the limited amount of uses in order to provide healthy development providing a variety of destinations and "places". She added the Plan had explored possibilities for expanding residential uses because it would allow the developer an opportunity to make money in other avenues.

Mr. Allen asked if there any questions or concerns from the Council prior to it coming before them for consideration of approval during its meeting on Tuesday, October 25, 2016. Councilmember Phipps believed the processes used in completing the Plan were new to him and expressed his confidence in the Plan.

<u>DISCUSSION ON WASATCH INTEGRATED WASTE MANAGEMENT DISTRICT</u> <u>FACILITY IMPROVEMENTS</u>

Mayor Shepherd requested the Council share its thoughts and opinions after having toured Wasatch Integrated in order to give Councilmember Phipps direction regarding the City's position on potential future expansion. Councilmember Bush expressed his opinion the \$2 proposed fee increase would be a good deal to obtain the machine and the new transfer station. Councilmember Young believed the improvements should be considered as long term management of the facility. Mayor Shepherd recalled two years ago the improvements and associated costs wouldn't have been considered, but now it was not only needed but justified. A discussion took place regarding the recycling process and Mayor Shepherd pointed out the improvements not only had a recycling benefit but contributed to the efficiency of the facility.

Councilmember Phipps pointed out there would be a need for the transfer station within the next 5 to 10 years whether or not the improvements were completed at Wasatch Integrated, and believed that would place the District and landfill in good positions for the future. Councilmember Peterson stated witnessing the capabilities at the facility would allow a better opportunity for residents to opt out of the recycling program while still accomplishing the end goal of recycling. Mayor Shepherd commented if the City chose to discontinue curbside recycling it should provide locations for and encourage paper recycling since the facility wouldn't be separating that product.

Summer Palmer, Administrative Services Director, requested clarification if the Council desired to continue with not allowing residents to opt-out of the current curbside recycling program until the new program and subsequent fees were implemented or if it wanted to implement an annual

opt-out window beginning in January 2017. Councilmember Phipps believed it would calm residents who believed they were being pushed into something if they were allowed to opt out. Mayor Shepherd suggested waiting until new fees were implemented in 2018 and a discussion took place. The Council concluded it was too early to begin an annual opt-out window since the Wasatch Integrated Board had not formally approved the improvements and subsequent fee increase.

DISCUSSION ON TITLE 11, CHAPTER 9 – ACCESSORY BUILDING REGULATIONS

Spencer Brimley, Development Services Manager, reminded the Council concern had been expressed from a resident back in June during a City Council meeting regarding accessory building regulations. The Council discussed the issue during its work session on Tuesday, August 16, 2016 at which time the Council directed staff to evaluate the City's current regulations for accessory buildings in residential zones. He stated the Planning Commission had discussed the issue and drafted amendments and recommended changes to the ordinance. He presented the current regulations and the proposed amendments submitted by the Planning Commission. He commented if the Council didn't agree with the proposed amendments a discussion could take place regarding other options.

Mr. Brimley shared a presentation and announced he had completed research to determine why regulations were changed in 2009 and was unsuccessful in determining the reasons behind the changes. He referred to the presentation and reviewed the items which could be further explored by the Council:

- Proximity of accessory buildings to other lots
- Easements
- Corner lot regulations
- Building code
- Limited coverage ratio in a rear yard only. He explained the current ordinance identified two specifics: the entirety of the lot and the percentage associated with the main building and any other structures on the site. He continued other cities regulated the rear yard coverage.
- Increasing the current minimum setback distance
- Including all impervious surface in the calculation for "lot coverage." He reported this was something that Layton City identified in its ordinance specific to accessory buildings.

Mr. Brimley reported two public comments were made during the Planning Commission's public hearing which summarized to be about why the City decreased the lot coverage regulation and a desire to allow the height of an accessory building to be 18 feet.

He informed the Council that the Planning Commission recommended approval of staffs' recommendation and reviewed the current regulations with the Council:

- Accessory buildings could be up to 10 feet in height.
- Shall be no less than two feet from the property line.
- Accessory buildings between 10 and 20 feet in height had to be located at least eight feet from the property line.

- Lot coverage ratio of forty percent.
- Combined footprint of accessory buildings shall not exceed fifty percent of lot.
- Detached garages and carports were to be finished to match the exterior of the main building.

Mr. Brimley also reviewed the recommended amendments to the ordinance:

- Lot coverage ratio for all buildings, including main and accessory buildings shall be not more than thirty-five percent as opposed to the forty percent.
- The combined footprint of all accessory buildings shall not exceed forty percent of the footprint of the main building as opposed to fifty percent.

He mentioned staff hadn't looked at Layton City's ordinance in drafting the proposed amendments. He reported the following cities' ordinances had been consulted: West Point, Syracuse, Roy and Clinton in addition to a few in Salt Lake County.

He mentioned the proposed language for the ordinance would separate buildings under 200 square feet in size and those over 200 square feet in size and anything over the 200 square feet would require a building permit. Mr. Brimley reviewed options the Council could consider:

- Increase height measurement to more than 15 feet at the midpoint.
- Change lot coverage for the entire lot to include all hard surfaces.
- Allow for lot coverage or rear yard only.
- Limit overall height of buildings.
- Require additional setback as height increased.

He explained how the height of the accessory buildings would be limited or based on the roof pitch and shared some visual examples. A discussion took place and Councilmember Young suggested the height adjacent to a joint property line be regulated as well. Mayor Shepherd inquired if a detached garage would be required to follow the same guidelines. Mr. Brimley responded the only difference between garages and carports was they were required to match the main building and other language had been left as it was.

Councilmember Peterson believed if a building permit was required for the accessory building the City's design standards should govern. Mr. Brimley referred to illustrations in the presentation specific to roof pitch and explained the lot coverage ratio had been reduced and a discussion continued. Councilmember Bush expressed concern about not regulating accessory buildings under 200 square feet because no permit was required. Mr. Brimley responded site plan approval was still required even without the building permit requirement and reported no jurisdiction required a permit; however, Syracuse City allowed garages and accessory buildings as conditional uses and stated he wasn't in favor of that and the discussion continued about allowable height. Members of the Council expressed concern regarding specific scenarios and examples were shared. Councilmember Peterson expressed her initial intent for amending the ordinance was to allow residents the opportunity to easily purchase or build a simple shed for the purpose of storing belongings to improve the aesthetics of their property.

JJ Allen, Assistant City Manager, mentioned another regulating factor was the percentage of the lot that was covered by the accessory building. Mr. Brimley explained the formula to determine what size accessory building would be allowed on a quarter acre lot with the forty percent ratio

and a 1500 square foot home. He clarified the reduction of percentages was intentional to disallow the construction of a large structure to protect the integrity of the surrounding properties and the discussion continued.

Mayor Shepherd pointed out the plastic Lifetime sheds were approximately 150 square feet and suggested as long as the accessory building complimented the property as opposed to detracting from the home it should be acceptable. He believed there were some older properties within the City in which an accessory building large enough to park a RV in shouldn't be allowed. He was in favor of the size being gauged by a percentage of the house.

Councilmember Young inquired if tin was an allowed product for use on an accessory building. Mr. Brimley responded the code required exteriors of accessory buildings to be built with a finished all weather exterior material and detached carports and garages had to meet the main building specific to materials and colors. Mayor Shepherd believed any structure over 200 square feet should meet that requirement and suggested it not be based on whether the usage was that of carport or garage and a discussion took place. Mayor Shepherd mentioned something similar to a Tuff shed or something that could be purchased from Costco should be allowed and a discussion took place specific to allowed products for a greenhouse accessory building. Mr. Brimley added a 20 foot by 10 foot greenhouse was a large greenhouse and stated he didn't receive many requests for that use and didn't believe it was an issue. He suggested the Council focus strictly on accessory buildings. Councilmember Peterson suggested leniency for accessory buildings under 200 square feet.

Mr. Brimley asked the Council if it preferred the following proposed language: Accessory buildings shall be built with a finished all-weather material and accessory buildings in excess of 200 square feet shall be finished to match the exterior of the main building.

Mr. Allen asked if there was consensus on the height question. Mr. Brimley didn't believe there was and informed the Council that the proposed ordinance would be drafted based on the Planning Commission's recommendation and any changes from the Council would need to be pointed out during the policy session and a discussion took place.

Councilmember Peterson stated she was in favor of the Mayor's recommendation about the height being proportionate to the existing structure on the property. Mr. Brimley mentioned the maximum height in the R-1, residential, zone was 35 feet. Mayor Shepherd suggested based on that height and the percentage calculation, an accessory building could be 26 foot tall. Mr. Brimley pointed out the current code measurement was "peak" height; therefore, depending on the roof it could still be 40 feet tall and the discussion continued.

Councilmember Peterson suggested capping at a certain height or a not to exceed seventy percent of the structure, whichever was less. Mr. Brimley clarified the current regulation was "peak" measurement and proposed regulation would be "mid-point" and if so he believed it would be appropriate to change that measurement for all structures to be measured consistently.

Councilmember Phipps believed the proportion of the structure should lend itself to the aesthetic quality of the accessory building and the discussion continued. Councilmember Peterson

expressed her opinion once the structure reached 15 to 20 feet tall at the peak it no longer should be considered "accessory." Mr. Brimley stated the input received by staff was a request to consider height of accessory buildings to determine something that would be acceptable to the public as well as the City. He added the public had been requested increasing the height of the buildings substantially from 10 to 18 feet on a midpoint at a minimum and the discussion continued. He explained the pitch was indicative to the midpoint and staff's reasoning was the midpoint was considered a concession to the public in allowing a larger building while at the same time protecting adjacent property owners. The discussion continued to take place specific to height and setbacks and Mr. Brimley reported Roy City had comparable older and smaller lots which allowed accessory buildings. He stated if the Council believed the 15 feet to the midpoint was going to allow buildings larger than it desired staff would need that direction in order to provide the regulation consistent with the Council's direction.

Councilmember Young expressed confusion with the midpoint philosophy and Mr. Brimley responded a midpoint measurement didn't include the "peak" part of the roof because it's unusable space; the building itself was so tall and the City had no interest related to the top of the structure. Councilmember Peterson believed it would be used and the look of the building still affected the skyline. Mayor Shepherd agreed with Councilmember Peterson it would be used. Councilmember Phipps pointed out the inside usable space shouldn't be the consideration but rather the aesthetics on the outside. Councilmember Peterson suggested the City had the obligation to ensure the integrity of the neighborhood as there was a reasonable expectation for certain looks within the City.

Mr. Brimley clarified the Council preferred a peak measurement over a midpoint measurement. He clarified the current minimum setback was two feet off the property line for a building up to 10 feet in height with a maximum setback of eight feet with a maximum height of 20 feet. Members of the Council believed the eight foot setback was too much. Mr. Brimley mentioned the Council could designate an incremental setback and explained the justification for the incremental setback in conjunction with the height. A discussion took place taking into consideration older homes and lots compared to newer homes on larger lots. Councilmember Bush expressed concern regarding the height restriction and detached garages. Mayor Shepherd suggested a height of up to 20 feet maximum but a not to exceed the height of the house and a discussion took place specific to garages. Mr. Brimley didn't believe it was necessary to regulate structures under 200 square feet because most of those were simple pre-fabricated storage sheds.

Mr. Brimley clarified the following:

- Anything over 200 square feet the exterior would need to be meet design criteria.
- Anything over 200 square feet height requirements as follows: 10 feet to the peak, 20 feet maximum not to exceed the height of the house.

Mr. Allen requested clarification regarding setbacks. He stated the ordinance in place currently stated two feet off the property line with a maximum height of 10 feet to the peak. He continued anything higher than that would require an eight foot setback from the property line. Councilmember Bush stated he didn't think 20 feet in height and two feet from the property line was excessive and a discussion followed. Councilmember Phipps stated he was in favor of the incremental allowance. Mayor Shepherd also expressed agreement as well as other members of

the Council. Mr. Brimley pointed out the City had attempted to be consistent specific to distance from property lines and configuration of the lots within the City as sometimes rear and side yards don't always match up. Councilmember Bush pointed out the eight foot setback requirement could potentially become junk storage and the discussion continued regarding that unusable space. Mr. Brimley clarified the setback was a minimum two feet and for every additional foot in setback, two feet in height would be allowed.

Mr. Brimley stated language specific to storm water needing to be maintained on the property, with no run-off being permitted, would be included in the ordinance. He inquired if the Council agreed with keeping the current lot coverage requirements for accessory buildings. He informed the Council that the proposed language was forty percent of the parcel but the combined footprint could only exceed fifty percent of the footprint of the main building and explained that interpretation. The Council agreed with the proposed language.

Mr. Allen clarified the ordinance that would come before the Council during its meeting on Tuesday, October 25, 2016. He pointed out the staff report and proposed ordinance would be the Planning Commission's recommendation to the Council. He stated staff would provide additional language resulting from the Council's discussion.

Councilmember Bush inquired if the two foot setback was required to be an impervious surface to eliminate weeds. Councilmember Peterson disagreed with that requirement because of the expense associated with it.

DISCUSSION ON THE AMENDED SUBDIVISION PLAT FOR THE UNIVERSITY RIDGE SUBDIVISION LOCATED AT APPROXIMATELY 938 SOUTH 2000 EAST TO CREATE A MEDICAL OFFICE CONDOMINIUM BUILDING

Spencer Brimley, Development Services Manager, explained John Hansen, developer for University Ridge subdivision, had requested the commercial building be divided into two separate individually owned portions. He explained the proposal would amend the subdivision plat from the original submission and would be on the agenda for consideration on Tuesday, October 25, 2016. He reported a dentist would be occupying the building to the north.

<u>DISCUSSION ON THE AMENDED SUBDIVISION PLAT FOR UNIVERSITY RIDGE</u> <u>SUBDIVISION LOCATED AT APPROXIMATELY 938 SOUTH 2000 EAST TO CHANGE</u> THE STREET ALIGNMENT AND REMOVAL OF THE CUL-DE-SAC

Spencer Brimley, Development Services Manager, explained the request would realign the street in the University Ridge subdivision. He reminded the Council the original subdivision plat identified a cul-de-sac at the end of the street because the developer didn't want through traffic to the adjacent parking lot. He continued the City had required some sort of a gate for potential future access. He reported as the development of the subdivision began near the cul-de-sac, the developer had recognized it would be advantageous to remove the cul-de-sac and connect the street to the parking lot allowing through traffic.

Mayor Shepherd requested clarification the road would connect directly to the parking lot. Mr. Brimley responded in the affirmative and explained it would potentially connect to the adjacent development. Councilmember Bush asked if Sundowner Condominiums had agreed with the possible future connection. Mr. Brimley responded that hadn't yet been agreed to, however, it was the intent to provide a connection at some time in the future. Councilmember Peterson suggested that be in place prior to authorizing the amendment. Councilmember Bush believed Sundowner didn't want the connection. Mr. Brimley emphasized the street alignment wouldn't yet connect to Sundowner. Mayor Shepherd expressed traffic would be funneled through the parking lot used by AAA.

JJ Allen, Assistant City Manager, explained the lease addressed the easement on the parking lot property and AAA had been aware of the possibility of the road. He continued the Master Streets Plan which was part of the General Plan also identified that connection.

Mr. Brimley explained the development of lot 15 and the cul-de-sac had created challenges and believed the proposed amendment was the best option. Mr. Allen added the alignment and the proposed detention basin also contributed to the challenges in the area and indicated the contractor had suggested bringing the road into the parking lot. He reported the developer initially was opposed to thru traffic on the street from employees of the office building accessing the parking lot and the City agreed it be gated until development of the park took place. He continued during the construction process the developer determined access would be more appropriate than a gate.

Councilmember Bush clarified Mr. Hansen would no longer have objection to AAA employees driving through the street to get to the parking lot. Mr. Allen clarified that was his request and reported staff was supportive of the amendment. Mr. Brimley reported the Council would consider approval of the item during its meeting on Tuesday, October 25, 2016.

DISCUSSION ON THE INDIGENT DEFENSE RFP (REQUEST FOR PROPOSAL)

JJ Allen, Assistant City Manager, explained the Sixth Amendment Center recently issued a report about provisions for indigent defense and reported the findings were applicable to Justice Courts. He informed the Council that one of the findings was that a contract in which the public defender received a monthly payment, regardless of the number of cases, was problematic. He clarified the report suggested under that type of payment schedule defendants weren't receiving the legal counsel they deserved. He announced a better approach was a fixed rate per case.

Mr. Allen also reported the City's current public defender contract was about to expire and a bid process was initiated to contract for those services. The City received four bids and announced the submission of Skeen & Robinson was deemed not only the lowest rate per case, but the firm was also prepared to provide more than one attorney. He stated staff was recommending approval of that action.

Councilmember Young requested clarification regarding the difference between the two payment options. Mr. Allen responded the judge assigned the cases to the attorney and shared a possible scenario. Stuart Williams, City Attorney, explained how a flat fee per case would benefit the City

and the defendant at the same time. Mr. Allen stated the change in services would probably affect the amount of funds appropriated for indigent defense.

DISCUSSION ON PLANNING COMMISSION APPOINTMENTS

Mayor Shepherd announced Amy Mabey had resigned her position on the Planning Commission leaving a vacancy. He recommended appointing Michael Britton as a regular member on the Planning Commission leaving a vacancy for an alternate position. He reminded the Council interviews recently took place for the Planning Commission and recommended appointing Mallory Baudry as an alternate member to the Planning Commission.

The meeting adjourned at 9:14 p.m.

APPROVED AND ADOPTED This 13th day of December, 2016

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, October 18, 2016.

/s/Nancy R. Dean, City Recorder